

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference miniferon	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/FI 03/00736	International filing date (<i>day/month/year</i>) 7 October 2003	(Earliest) Priority Date (<i>day/month/year</i>) 7 October 2002
Applicant ZAVYALOV VLADIMIR ET AL		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 1

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP03/00736**Box I** Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: **Part of claims 1-6**
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
see next sheet
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/FI 03/00736

A. CLASSIFICATION OF SUBJECT MATTER

IPC7: A61K 38/04, A61K 38/13, A61K 38/21

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

MEDLINE, STN-CAPLUS, EPODOC, WPI, PAJ, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	National Library of Medicine (NLM), file Medline, Medline accession no. 12845801, Chertkova R.V. et al, "Synthetic proteins with antiviral properties of alpha-interferons", & Bioorganicheskaya Khimiya, Vol. 29, No. 3, PG. 258-268, see the entire document	PART OF 1-6
X	WO 9852594 A1 (ZAVIALOV, VLADIMIRPETROVICH), 26 November 1998 (26.11.98), claim 2	PART OF 1-6
X	WO 0244197 A2 (FISH, ELEANOR N.), 6 June 2002 (06.06.02), Table 1	PART OF 1-6

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

22 December 2003

Date of mailing of the international search report

30-12-2003

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 Swedish Patent Office
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International Application No.

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Form PCT/ISA/210 (continuation of second sheet) (July 1998)

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INTERNATIONAL SEARCH REPORT

Information on patent family members

31/10/03

International Application No.

PCT/FI 03/00736

Patent document cited in search report			Publication date	Patent family member(s)		Publication date
WO	9852594	A1	26/11/98	AT	234624 T	15/04/03
				AU	7435298 A	11/12/98
				DE	69812347 D	00/00/00
				EP	0981359 A,B	01/03/00
				FI	104363 B	00/00/00
				FI	972121 A	20/11/98
				JP	2001526675 T	18/12/01

WO	0244197	A2	06/06/02	AU	2335002 A	11/06/02

WO	9530759	A1	16/11/95	FR	2719593 A,B	10/11/95

Box I.2

Present claims 1-6 relate to variants of a peptide sequence according to table I (claim 1). The main sequence can be modified with any of the amino acid residues in vertical line under it, generating a huge quantity of possible sequences defined by reference to a desirable characteristic or property, namely to be "fusion peptide sequence".

In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the fusion peptide sequences by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible.

Consequently, the search has been carried out for those parts of the application which do appear to be clear and concise, namely the exemplified sequence in page 11 corresponding to sequence LKEKKYSP-SS-LKDRHDF, relating to part of claims 1-6.